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PCT

NOTIFICATION DE TRANSMISSION DE COPIES
DE LA TRADUCTION DU RAPPORT D'EXAMEN
PRÉLIMINAIRE INTERNATIONAL
SUR LA BREVETABILITÉ (CHAPITRE I OU CHAPITRE II
DU TRAITE DE COOPERATION EN MATIERE DE BREVETS)

... (règles 44bis:3.c) et 72.2 du PCT)

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Référence du dossier du déposant ou du mandataire 34152/PCT	NOTIFICATION IMPORTANTE
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Déposant CENTRE NATIONAL DE LA RECHERCHE SCIENTIFIQUE -CNRS etc	

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Aucun

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Il appartient au déposant d'établir la traduction en question et de la remettre directement à chaque office élu intéressé dans le délai applicable (règle 74.1). Voir le volume II du *Guide du déposant du PCT* pour de plus amples renseignements.

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TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

PCT

RAPPORT PRÉLIMINAIRE INTERNATIONAL SUR LA BREVETABILITÉ

(chapitre I du Traité de coopération en matière de brevets)

(règle 44bis du PCT)

Référence du dossier du déposant ou du mandataire 34152/PCT	POUR SUITE À DONNER		Voir le point 4 ci-dessous
Demande internationale no. PCT/FR2004/002692	Date du dépôt international (<i>jour/mois/année</i>) 21 October 2004 (21.10.2004)	Date de priorité (<i>jour/mois/année</i>) 21 October 2003 (21.10.2003)	
Classification internationale des brevets (8 ^e édition, sauf indication d'une #dition antérieure) Voir les informations pertinentes dans le formulaire PCT/ISA/237			
Déposant CENTRE NATIONAL DE LA RECHERCHE SCIENTIFIQUE -CNRS			

<p>1. Le présent rapport préliminaire international sur la brevetabilité (chapitre I) est établi par le Bureau international au nom de l'administration chargée de la recherche internationale selon la règle 44bis.1.a).</p> <p>2. Ce RAPPORT comprend un total de 8 feuilles, y compris la présente feuille de couverture.</p> <p>Dans les feuilles jointes, toute référence à l'opinion écrite de l'administration chargée de la recherche internationale doit être entendue, à la place, comme une référence au rapport préliminaire international sur la brevetabilité (chapitre I).</p>																								
<p>3. Le présent rapport contient des indications relatives aux points suivants :</p> <table> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td>Cadre n° I</td> <td>Base de l'opinion</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Cadre n° II</td> <td>Priorité</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Cadre n° III</td> <td>Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Cadre n° IV</td> <td>Absence d'unité de l'invention</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Cadre n° V</td> <td>Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Cadre n° VI</td> <td>Certains documents cités</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Cadre n° VII</td> <td>Certaines irrégularités relevées dans la demande internationale</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Cadre n° VIII</td> <td>Certaines observations relatives à la demande internationale</td> </tr> </tbody> </table> <p>4. Le Bureau international communiquera le présent rapport aux offices désignés conformément aux règles 44bis.3.c) et 93bis.1 mais pas avant l'expiration du délai de 30 mois à compter de la date de priorité (règle 44bis.2), sauf si le déposant a présenté une requête expresse à cet égard en vertu de l'article 23.2).</p>	<input checked="" type="checkbox"/>	Cadre n° I	Base de l'opinion	<input checked="" type="checkbox"/>	Cadre n° II	Priorité	<input checked="" type="checkbox"/>	Cadre n° III	Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle	<input type="checkbox"/>	Cadre n° IV	Absence d'unité de l'invention	<input type="checkbox"/>	Cadre n° V	Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration	<input type="checkbox"/>	Cadre n° VI	Certains documents cités	<input type="checkbox"/>	Cadre n° VII	Certaines irrégularités relevées dans la demande internationale	<input type="checkbox"/>	Cadre n° VIII	Certaines observations relatives à la demande internationale
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<input type="checkbox"/>	Cadre n° VIII	Certaines observations relatives à la demande internationale																						

Date d'établissement du présent rapport 27 July 2006 (27.07.2006)	
Bureau international de l'OMPI 34, chemin des Colombettes 1211 Geneva 20, Switzerland no de télécopieur +41 22 338 82 70	Fonctionnaire autorisé Athina Nickitas-Etienne e-mail: pt04@wipo.int

PATENT COOPERATION TREATY

**From the
INTERNATIONAL SEARCHING AUTHORITY**

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)	See Form PCT/ISA/210 (sheet 2)
Applicant's or agent's file reference 34152/PCT		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/FR2004/002692	International filing date (day/month/year) 21.10.2004	Priority date (day/month/year) 21.10.2003	
International Patent Classification (IPC) or both national classification and IPC G01S17/95, G01S13/95			
Applicant CENTRE NATIONAL DE LA RECHERCHE SCIENTIFIQUE -CNRS			

I. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input checked="" type="checkbox"/>	Box No. II	Priority
<input checked="" type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b(s)(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/002692

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
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Box No. II Priority

1. The following document has not yet been furnished:

copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

the entire international application

claims Nos. 1-14

because:

the said international application, or the said claims Nos. _____

relate to the following subject matter which does not require an international preliminary examination (specify):

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 1-14 _____ are so unclear that no meaningful opinion could be formed (specify):

See supplemental sheet

the claims, or said claims Nos. 1-14 _____ are so inadequately supported by the description that no meaningful opinion could be formed.

no international search report has been established for said claims Nos. _____

the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

has not been furnished

does not comply with the standard

the computer readable form

has not been furnished

does not comply with the standard

the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

See Supplemental Box for further details.

WRITTEN OPINION OF THE
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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box III

1 The description (PCT Article 5)

The application fails to comply with the requirements indicated in PCT Article 5, the description not disclosing the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art.

- 1.1 Two envisaged ways of carrying out the invention are indicated (pages 5-7, 7-12, respectively). The first one (pages 5-7) clearly refers to the summary of the invention (pages 2-4). However, it is unclear how the second one (pages 7-12) refers to the summary of the invention. It thereby results that the application fails to comply with the clarity requirements of PCT Article 5.
- 1.2 Moreover, despite the lack of clarity mentioned above, the description fails to comply with the requirements of PCT Article 5. A person skilled in the art would be unable to carry out the invention as it is not disclosed in terms allowing clear understanding as regards the technical contribution (PCT Rule 5.1(a) (iii)).

The invention relates to the determination of the precipitating rate. The profile of the parameter $D_m(h)$, needed for this determination, is determined by solving the differential equation (2 - page 3).

Supplemental Box

The symbol "f" used in equation (2), on pages 3 and 6, is neither recognized in the art nor explained in the application; consequently, a person skilled in the art would be unable to solve the equation in order to determine the parameter $D_m(h)$. (It seems that equation (2) relates to a differential equation but there is no indication whether the symbol "f" refers to a normal differential operator ("d"), a partial differential operator (" δ ") or other differential operator).

1.3 Page 4 mentions the expressions "conventional estimator" and "conventional hypothesis" without providing any definition thereof.

2 Claims (PCT Article 6)

The application fails to comply with the requirements of PCT Article 6 since claim 1 is not based on the description as required by PCT Article 6, given that its scope is broader than that justified by the description and the drawings.

2.1 Document D1 (EP 1 049 944 A1 (CNRS) of 08.11.2000) describes the following features of claim 1:

1. method for estimating the characteristics of a precipitation (**cf. D1, claim 1**);
2. a step of acquiring a radar image comprising at least one vertical plane of a precipitation zone (**cf. D1, claim 1; figure 2**);
3. processing of a vertical profile in order to provide digital signals representative of the

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INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/002692

Supplemental Box

reflectivity in the vertical direction z (**D1, implicit disclosure**); and

4. a step of integrating said signals representative of the reflectivity (*cf. D1, formula (7)*).

2.2 The subject matter of claim 1 differs from this known method in that:

5. the integration step is carried out in order to deliver a signal representative, in the vertical plane, of the mean particle diameter weighted by the mass of each particle; and

6. a step of determining the concentration of the solid particles from the signals calculated in the preceding steps.

2.3 The description discloses only two ways of implementing the invention. The examiner is of the opinion, given D1, that the disclosure of the present application does not justify a generalization as broad as that introduced by the features 5. and 6. in claim 1.

In addition, the features 5. and 6. attempt to define the subject matter for which protection is sought by the result to be achieved, yet this merely amounts to stating the basic problem the invention is intended to solve, without providing the technical features needed to achieve this result.